

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

ANSON CHI,

Plaintiff,

v.

CIVIL ACTION NO. 1:23-00196

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation ("PF&R") on November 17, 2023, in which he recommended that the district court grant defendant's "Renewed Motion to Revoke Plaintiff's IFP Status and Motion to Dismiss," revoke plaintiff's IFP status, dismiss plaintiff's complaint without prejudice pursuant to 28 U.S.C. § 1951(g), recommend that the Clerk for the Western District of Pennsylvania return plaintiff's partial payment of the filing and administrative fee, and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge

Aboulhosn's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Chi filed two motions to extend the time period for filing objections, both of which were granted. See ECF Nos. 42, 43, 45, and 46. Despite receiving additional time, he failed to file any objections. He did, however, file two documents which he described as "proof" that he had mailed objections. See ECF Nos. 47 and 48. No objections accompanied either of these filings. He has also written two letters to the Clerk requesting copies of the docket sheet. See ECF Nos. 50 and 52. The Clerk provided the requested copies. See ECF Nos. 51 and 52. Finally, on January 22, 2024, Chi filed a motion to recuse Magistrate Judge Aboulhosn. Despite all these filings that have been received in the Clerk's Office after entry of the PF&R, the court has not received any objections. Accordingly, the parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the requisite period.


Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **GRANTS** defendant's "Renewed Motion to Revoke Plaintiff's IFP Status and Motion to Dismiss," **REVOKES** plaintiff's IFP

status, **DISMISSES** plaintiff's complaint without prejudice pursuant to 28 U.S.C. § 1951(g), **RECOMMENDS** that the Clerk for the Western District of Pennsylvania return plaintiff's partial payment of the filing and administrative fee, and **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, counsel of record, and the Clerk for the United States District Court for the Western District of Pennsylvania.

IT IS SO ORDERED this 5th day of March, 2024.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge